

RAFAEL OSIAS,
Plaintiff,
v.
McFADEN,
Defendant.)
No. C 07-3037 MJJ (PR)
ORDER OF DISMISSAL

This action was opened on June 12, 2007, when this court received a letter from plaintiff to a judge of this court. As the letter concerned prison conditions, the Clerk construed and filed it as a civil rights complaint pursuant to 42 U.S.C. § 1983. On the day this action was opened, the Clerk notified plaintiff in writing that the action was deficient due to the failure to pay the requisite filing fee or, instead, submit a completed court-approved in forma pauperis ("IFP") application, including a trust account statement showing balances for the last six months and a certificate of trust account funds signed by a prison official. Along with this notice, plaintiff was sent a copy of the Court's IFP application, instructions for completing it, and a return envelope. Plaintiff was informed that his failure, within thirty days, either to pay the filing fee or to file a completed IFP application, including the signed certificate of funds and the required trust account statement, would result in dismissal of this action without prejudice. No response has been received.

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1 As more than thirty days have passed and plaintiff has not filed a completed IFP
2 application or paid the filing fee, this action is DISMISSED without prejudice.

3 The Clerk shall close the file.

4 IT IS SO ORDERED.

5 DATED: 7/31/2007


6 MARTIN J. JENKINS
7 United States District Judge